

Interview Summary

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| Application No. 09/973,185 | Applicant(s) Weismann |
| Examiner Deborah Ware | Art Unit 1651 |

All participants (applicant, applicant's representative, PTO personnel):

(1) Deborah Ware

(3) _____

(2) Dan Bucca

(4) _____

Date of Interview Jul 23, 2003

Type: a) Telephonic b) Video Conference
c) Personal [copy is given to 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No. If yes, brief description:

Claim(s) discussed: 1-16 and proposed claims.23-27.

Identification of prior art discussed:

Art of record and Applicants presented Hunter reference (US Pat. No. 6,159,459) which they will make of record in the case in a IDS and cite on a PTO-1449 Form with appropriate fees.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed the newly claimed subject matter and Applicants' intended meaning of "consiting essentailly of" of which they will further address in thier response. Also discussed the newly claimed ranges, in particular the range with respect to glycerin, and whether or not such ranges are supported. Applicants referred examiner to the specification at pages 4-5 and page 12, and notably the Tables at these noted pages wherein support was found. However, it was further noted that glycerin was not actually required within the meaning of the supported range of "up to 40 wt%" thus, examiner instructed Applicant to include the term "present" in which to mean that glycerin is required to be present in combination with oat beta glucan as this is what Applicant intends. There is support for the combination in the specification.

Applicant suggested changing the language for the range amount of glycerin to --of no more than 40 wt%-- in place of --up to approximately 40 wt%--. The claims will be reconsidered on the merits upon receipt of Applicant's amendment and response.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached


DEBORAH K. WARE
PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required